



UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 15-IS-5295 (MHM Docket No. 12526US01)

In the Application of:

Grant, et al.

Serial No.: 09/468,155

Filed: December 21, 1999

For: ENTERPRISE-WIDE DATA ACCESS
TECHNIQUES

Examiner: Patel, Shefali D.

Group Art Unit: 2621

Confirmation No.: 3289

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Joseph M. Butscher
Reg. No. 48,326

Date: November 30, 2005

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets

Respectfully submitted,

Date: November 30, 2005

By:

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REMARKS

Claims 1-20 are currently pending in the present application. Claims 1-4, 6-12, and 14-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,424,996 ("Killcommons") in view of United States Patent No. 6,317,743 ("Heck"). Claims 5 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Killcommons in view of Heck and Computer Dictionary, Third Edition, Microsoft Press, 1997, page 462. The Applicants respectfully traverse these rejections at least for the reasons discussed previously during prosecution and the following:

I. The Final Rejection Is Premature

The Applicants respectfully submit that the finality of the September 6, 2005 office action is premature. *See* November 1, 2005 Response Under 37 C.F.R. § 1.116 at pages 9-10. Thus, the Applicants respectfully request that the finality of the Office Action mailed on September 6, 2005 be reconsidered.

II. The Combination Of Kilcommons And Heck Does Not Render The Pending Claims Of The Present Application Unpatentable

Kilcommons does not teach, nor suggest, a "second interface unit located at a second location and arranged to store second stored image data of the second patient on the second image storage unit in response to the second imaging data **and to store second stored identification data on the server located at the first location in response to the second identification data,**" as recited, for example, in claim 1 of the present application. *See* November 1, 2005 Response Under 37 C.F.R. § 1.116 at pages 10-14. The Office Action concedes that image data is not inherently associated with identification data. *See* September 6, 2005 Office Action at page 2. The Office Action also concedes that Kilcommons does not teach the limitations noted above. *See id.* at page

5.

In order to overcome this deficiency, the Office Action cites Heck at column 2, line 44 to column 3, line 50. *See id.* at page 6. This passage of Heck, however, clearly does not teach or suggest storing image data at one location and identification data at a server. *See* November 1, 2005 Response Under 37 C.F.R. § 1.116 at pages 13-14. As such, the Office Action has not established a *prima facie* case of obviousness with respect to claims of the present application at least because of the following:

- (1) The Office Action concedes that image data is not inherently associated with identification data (*See* September 6, 2005 Office Action at page 2);
- (2) The Office Action affirmatively states that “Kilcommons does not explicitly disclose a first interface unit to store first stored identification data on the server located at the first location in response to the first identification data and a second interface unit to store second stored identification data on the server located at the first location in response to the second identification data” (*See id.* at page 6); and
- (3) The cited passage of Heck that the Office Action relies upon clearly does not teach or suggest the limitation noted above.

Thus, the Applicants respectfully request reconsideration of these claim rejections.

III. The Proposed Combination Of Killcommons And Heck Does Not Render Claims 17-20 Unpatentable

Additionally, the Office Action has not established a *prima facie* case of obviousness with respect to claims 17-20 because the cited references do not teach or suggest the relevant limitations and the Office Action does not even attempt to cite anything in the art of record relevant to at least some of the recited limitations. *See* November 1, 2005 Response Under 37 C.F.R. §1.116 at pages 14-15. Thus, the Applicants respectfully request reconsideration of these claim rejections.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that the pending claims of the present application define allowable subject matter. The Applicants respectfully request reconsideration of the claim rejections. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below. Please charge any fees, including the fee for the Notice of Appeal, or credit overpayment to Applicants' Deposit Account 07-0845.

Respectfully submitted,

Date: November 30, 2005

By: 

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